IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

RPFC.No. 79 of 2002()

MC.292/1999 of FAMILY COURT, KOLLAM DT.12.6.2002.
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REVISION PETITION/ RESPONDENT

CHANDRASEKHARAN PILLAI,
AGED 40 YEARS, S/O. MADHAVAN PILLAI,
VELLASERIL VEEDU, KANJAVELI, MADUVILACHERY,
THRIKKARUVA VILLAGE.

BY ADV. SRI.V.BHASKARAN PILLAI
SRI.B.VINOD

RESPONDENTS: PETITIONERS
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1. **VIJAYA KUMARI, AGED 37 YEARS,**
   D/O. KARTHIKA AMMA, KANKOTTU PUTHAN VEEDU,
   (SREEJA BHAVAN), THRIKKARUVA VADAKKU,
   ASHTAMUDI, KOLLAM.

2. **SREEJA C.PILLAI (MINOR) DO. DO. DO.**
   REPRESENTED BY HER MOTHER THE FIRST RESPONDENT.

3. **ANOOP C.PILLAI (MINOR), DO. DO. DO.**
   REPRESENTED BY HIS MOTHER THE FIRST RESPONDENT.

BY ADV. SRI.K.A.SALIL NARAYANAN
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 06 / 07 /2007 ,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.MP.8346/2002 IN R.P.(FC) NO.79/2002

DISMISSED

06.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

R.P.(F.C.).NO. 79 OF 2002

DATED THIS THE 6thth July 2007

ORDER

The revision petitioner is the respondent in M.C.No.299/99 in the file of the Family Court, Kollam with respect to the petition filed under Section 127 Cr.P.C. seeking enhancement of maintenance. The earlier M.C., i.e. M.C.No.62/95 it is mentioned as compromised on 31-7-1995. The counter petitioner/revision petitioner agreed to pay Rs.150/- per month to the 1st petitioner/1st respondent, Rs.175/- to the second petitioner/2nd respondent and Rs.150/- to the 3rd petitioner/3rd respondent. The 2nd petitioner studying in the IX Standard and the 3rd petitioner in the III Standard. The petitioners had sought for enhancement of the maintenance amount as the amount ordered is insufficient to meet the expenses of the petitioners. It is alleged that the counter petitioner owned a large extent of properties and gets an income of Rs.12,000/- per month and is also running a Textile shop at Kundara by name "Iswarya Textiles" and from it he earns Rs.5000/- per month. He has also got a thermocol shop and earns Rs.4000/- per month. The enhancement claimed was at the rate of Rs.800/- per month for the first petitioner, Rs.700/- for the 2nd petitioner and Rs.500/- for the 3rd petitioner.

2.The counter petitioner/revision petitioner had contended that he belonged to a reputed Nair family and that there was no customary marriage with the first petitioner and that the father and brother of the first petitioner compelled the counter petitioner to execute the marriage deed. Due to threat and compulsion the counter petitioner signed the document and it was registered and subsequently he took the first petitioner to he State of Gujarat wherein he got an employment with the help of the relatives of the first petitioner and upto September 1994 they stayed at Gujarat. Hence the paternity is admitted but the legal marriage is denied. The trial court rightly discarded the case set up by the counter petitioner with respect to the legality of the marriage.

3. The evidence adduced in the matter consisted of the testimony of PW1, the first petitioner and Exts.D1 and D2, salary certificate and settlement deed respectively executed by the counter petitioner. The counter petitioner was examined as CPW1. The trial court ordered maintenance amounts to be enhanced at the rate of Rs.200/- each to the petitioners relying on Ext.D1 salary certificate as per which he is having a salary of Rs.1200/- per month. I find that the order is dated 12-6-2001. Considering the fact that the amount

ordered is only the minimum or less than that I find that the case set up by the revision petitioner has no merits. The Crl.revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

R.P.(F.C.)NO. 79 OF 2002

ORDER

6-7-2007